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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/004,097
Filing Date	October 31, 2001
First Named Inventor	Bogdan Jakobik
Art Unit	2613
Examiner Name	David J. Lee
Attorney Docket Number	2676-000008

Total Number of Pages in This Submission	5
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ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
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Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Harness, Dickey & Pierce, P.L.C.		
Signature			
Printed name	Timothy D. MacIntyre		
Date	November 6, 2007	Reg. No.	42,824

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EM 061 814 026 US



Attorney Docket No. 2676-000008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Group Art Unit:	2613)	
Examiner:	David J. Lee)	
Applicants:	Jakobik et al)	Reply Brief
Serial No.:	10/004,097)	
Filed:	October 31, 2001)	
Title:	Architectural Arrangement for Core Optical Networks)	

REPLY BRIEF ON BEHALF OF APPELLANTS

This is a reply to the Examiner's answer dated September 6, 2007 regarding the pending appeal of the present application. .

Arguments

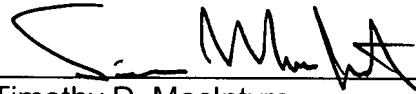
Applicant's invention is directed generally to an architectural arrangement that enables optical switching at different optical layers within an optical transport network. To enable switching, signal impairment compensation is performed at each layer of the network. In addition, compensation must be applied to each optical signal within a given layer to achieve the signal conditioning needed to route optical signals from different layers over long distances.

Of particular note, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to perform dispersion compensation on the signals exiting MUXs 144-2 and 144-4 in the same way that Nakamoto performs compensation on the signals exiting MUXs 144-3, 144-6, 144-7 and 144-5. However, to maintain polarization conditions of adjacent channels cross orthogonal to each other, these signals cannot undergo any signal conditioning in accordance with the teachings of Nakamoto. Basis for this assertion is found throughout the reference, including col. 20, line 1-3 and col. 21, lines 64-67. Therefore, Applicant believes the Examiner's assertion to be incorrect. Rather, Nakamoto fails to teach or suggest performing signal impairment compensation on each of the optical signals within a given layer as recited in Applicant's claimed invention. Absent this teaching, Applicant believes the pending claims define patentable subject matter over the relied upon combination of references.

Applicant continues to maintain the arguments set forth in previous correspondence with the Examiner. Accordingly, applicants respectfully request the Board to reconsider and withdraw the current rejections.

For the foregoing reasons, the appealed claims are patentably distinguishable over the art relied upon by the Examiner. Accordingly, Applicant's representative respectfully requests that this Board reverse the final rejection of Claims 1-7, 9-31 and 33-36.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy D. MacIntyre', is written over a horizontal line.

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Dated: November 6, 2007

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